

UNITED STATES DISTRICT COURT 1:50 pm, Jun 03, 2021
EASTERN DISTRICT OF NEW YORK U.S. DISTRICT COURT

EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

SEOUL SEMICONDUCTOR CO., LTD. et al,

Plaintiffs,

v.

SATCO PRODUCTS, INC.,

Defendant.

Case #2:19-cv-04951-GRB-AYS
United States Courthouse
Central Islip, New York
June 2, 2021
10:34 a.m. - 10:46 a.m.

CIVIL CAUSE FOR TELEPHONE CONFERENCE
BEFORE THE HONORABLE GARY R. BROWN
UNITED STATES DISTRICT JUDGE

- A P P E A R A N C E S -

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1 COURTROOM DEPUTY: Calling civil 2019-04951, **Seoul**
2 **Semiconductor Co., Ltd. v. Satco Products, Inc.** Counsel, please
3 state your appearance for the record.

4 MR. EISENBERG: This is Michael Eisenberg, of Steptoe
5 & Johnson LLP, on behalf of the plaintiff. With me as well is
6 Etai Lahav of Radulescu LLP, also, on behalf of the plaintiffs.

7 THE COURT: All right. Good morning.

8 MR. EISENBERG: Good morning, Your Honor.

9 MR. BROWN: Good morning. Your Honor, this is Nick
10 Brown, Greenberg Traurig, for Satco.

11 THE COURT: Okay.

12 MR. BROWN: I'm not sure if there's anyone else on the
13 line for me. I think so, Your Honor. I think.

14 MS. SANTOS: Yes. This is Katharine Santos, of Lynn
15 Gartner Dunne, also for Satco Products, Inc.

16 THE COURT: All right. I thought your colleague was
17 going to get his star turn in the spotlight, but no! He will
18 share the spotlight. That's good. Okay, good. Anyone else
19 this morning?

20 (No response.)

21 THE COURT: Okay. I'm not hearing anyone else. Who
22 would like to take the lead?

23 MR. EISENBERG: Your Honor, I would be glad to. This
24 is Michael Eisenberg, again. I guess I just recap how we got to
25 be here today on a call.

1 THE COURT: Yes.

2 MR. EISENBERG: When we last spoke, the discussion
3 was, how we would proceed with the Markman process from this
4 point on. And we did communicate with the defendant's counsel.
5 It is plaintiff's preference, if possible, to proceed before
6 Your Honor. I think there are a number of reasons, and I don't
7 want to get into a debate on why we think you would be the ideal
8 person for us in this instance, but that is where we ended up.
9 And we were hoping to discuss with you on the call today how we
10 would schedule that, understanding that Your Honor has timing
11 constraints in the upcoming couple of months.

12 THE COURT: Yes. Absolutely. No, reason to explain.
13 You have your right to seek out the government official that
14 you're entitled to see. But like going to the DMV, there may
15 just be a long line. So, let's see what we can do about that.
16 What is the expected timing on Markman here? Remind me, please.
17 There are a couple going on. What do we say in terms of how
18 much time I need to block out for the hearing?

19 MR. EISENBERG: So, there were a couple of different
20 viewpoints on that. And I guess I will go through what the
21 parties discussed the last time from my recollection. We would
22 like to have a tutorial. The ask was at that time from
23 defendant's counsel, could the tutorial be done a bit ahead of
24 time of the Markman hearing? Either the prior day or possibly
25 before that. And there was some discussion of whether that part

1 of it could be done remotely or in person.

2 So, that was one issue. And then the hearing itself,
3 plaintiffs believe that that could be definitely done within a
4 single day. Most likely, less than a day. I think the issues,
5 there are fewer than the 25 that were joint briefed, and most of
6 them are actually pretty simple grammatical issues. Not
7 particularly complicated. I understand that defendant's counsel
8 has a slightly different viewpoint, but that's where we are at
9 this point. It's a short tutorial to help the court prepare and
10 answer questions if necessary, and a hearing of a day or less.

11 THE COURT: Okay. So, you think two days will take
12 care of everything, yes?

13 MR. EISENBERG: I do think so, Your Honor.

14 THE COURT: Okay. Well, let me go to your adversaries
15 and see what they have to say.

16 MR. BROWN: Your Honor, I agree that two days will
17 take care of everything, absolutely. I think, frankly, you
18 could probably get it done with a day and a half, a half day for
19 the tutorial and a day for the claim construction hearing.

20 THE COURT: Okay. And if you'd like to explain some
21 of the differences? I mean, your adversary said something about
22 having to apply grammar, right? Which actually I'm better at
23 that than I am say, with LED light bulbs or whatever else we're
24 going to talk about. But what else do you see subject matter
25 wise coming up?

1 MR. BROWN: So, Your Honor, I agree that in claim
2 construction grammar is always a part of it. But I also
3 believe, as you suggested, that the LED technology does matter
4 because you have to apply the grammar in the context of the LED
5 technology. And frankly, my view is the grammar doesn't answer
6 all the questions that you need to answer. So, I think you're
7 going to need to have some understanding of the LED technology
8 to address the claim construction questions.

9 THE COURT: All right. Now, I got this house, but I
10 recently moved into a new home, so I have installed quite a few
11 LED light bulbs. But I don't think that's really where you're
12 going, I'm going to guess.

13 MR. BROWN: I think that's right, Your Honor. This is
14 Nick Brown again. I think in this case, the technology is on a
15 lower level than the light bulb level. It's more about how the
16 LEDs that are inside the light bulbs are manufactured. And in
17 some cases, how they're connected together electrically. So,
18 it's a little bit of a lower level than the light bulb level.

19 THE COURT: Yeah, I'm guessing my ability to screw
20 something in is probably not going to help that much. But
21 anyway, I'm glad to hear it. All right. Good. Let's do this.
22 Karen, can you tell me when you might have two days in a row
23 free. And I'm going to say to counsel, I'm going to opt to do
24 this in person, at least have the lawyers here. In other words,
25 if you want to have an expert on the phone because they can't

1 fly in from wherever, I get it. But we just had a totally
2 virtual proceeding yesterday that was so riddled with problems
3 that I'd rather have you here if it's important. So, Karen,
4 when are there two days clear that we can set this down for?

5 LAW CLERK: July 19 and July 20.

6 THE COURT: July 19 and 20? Okay. Counsel, does that
7 work for everyone?

8 MR. EISENBERG: Your Honor, I am sorry to report, and
9 this is Michael Eisenberg again, as you're aware, the backlog of
10 cases is starting to start up for trial. And I have a trial in
11 LA that starts the 13th, and it's likely to go to the 21st or
12 22nd.

13 THE COURT: Okay. When are you fully clear of that?
14 When are we sure that will be done?

15 MR. EISENBERG: The following week, actually. After
16 that, I will be back in New York. And probably tired, but ready
17 to go. And this is obviously very important. For the court's
18 purposes, I also have a trial starting September 21 also in
19 California.

20 THE COURT: Wait, wait, wait. You blanked out a
21 little bit. We lost you for a second when you said the date.
22 What was the date of the second trial?

23 MR. EISENBERG: September 21 in LA.

24 THE COURT: All right. Karen, what else do we have?

25 LAW CLERK: Monday, July 26.

1 THE COURT: Monday, July 26. Counsel?

2 MR. BROWN: Your Honor, this is Nick -- go ahead,
3 Mike.

4 MR. EISENBERG: I was going to say, I can make that
5 work. But, Mr. Brown, you may have a different view on that, so
6 please go ahead.

7 MR. BROWN: So, that week the expert, who's testimony
8 we intend to present at the claim construction hearing, is in
9 Europe the week of July 26.

10 THE COURT: Wow. I can say that I haven't discussed a
11 hearing in Europe. I don't think I'm allowed. Okay. Let's
12 try, Karen. I know August is going to be a little hit and miss.
13 Do you have anything open there?

14 LAW CLERK: You want to try September 7?

15 THE COURT: Oh, you had a trial starting September 1,
16 yeah?

17 MR. EISENBERG: Yes. Yes. That's me, Your Honor, Mr.
18 Eisenberg, and I do. And that's cutting it a little close.

19 THE COURT: Okay. So, will you be done mid-September?

20 MR. EISENBERG: No, no. Late September, it starts the
21 21st, and it's going to be one week trial out in California.

22 THE COURT: Okay. Well, the good news is, the further
23 we get away, the more openings I do have. Karen, how does
24 October look for a few days? And counsel, I'm going to say this
25 with the following caveat, we're trying fill things in as much

1 as possible, but the wild card is, the criminal cases, as I
2 explained, come first, and they're a bit undependable in the
3 sense that, people plead out, people don't go forward, things
4 change. For example, the first date didn't survive, or isn't
5 available because at the last minute I had to sever some cases
6 in the criminal case, making a July 5 trial shorter. So, it
7 could move around a little bit. But Karen, what do we look like
8 in October?

9 LAW CLERK: October 6?

10 THE COURT: October 6? That's early. Anything? Is
11 that good for everybody?

12 MR. EISENBERG: I believe that should be fine for me,
13 Your Honor. This is again Michael Eisenberg.

14 MR. BROWN: Your Honor, I believe that's fine for
15 Satco as well. I'll be candid, I didn't get dates that far out
16 from my expert, but it's far enough out that it should be fine.

17 THE COURT: Okay. Good. All right. So, let's set it
18 then. October 6 and 7, we will do the hearing, then turn to the
19 knotty issue of writing the opinion you want me to write
20 afterwards with as much speed as we can bring to it. We'll do
21 the best we can. All right? Good. So, what else do we have
22 for today, if anything?

23 MR. EISENBERG: This is Mr. Eisenberg again. I am
24 unaware of anything that we need to discuss on this call. Let
25 me just briefly turn the mike to my colleague, Mr. Lahav, and

1 see if he is aware of anything.

2 MR. LAHAV: I am not, Your Honor.

3 THE COURT: Okay. Good. Mr. Brown?

4 MR. BROWN: Nothing further from us, Your Honor.

5 THE COURT: All right. Well, then, in that case, have
6 a nice summer everyone, have good trials, and stay well, and I
7 will see you all in October. All right?

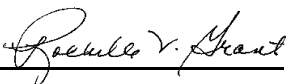
8 MR. EISENBERG: Thank you so much, Your Honor.

9 THE COURT: All right. We are adjourned. Thank you.

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11 CERTIFICATION

12 I, Rochelle V. Grant, approved transcriber, certify
13 that the foregoing is a correct transcript from the official
14 electronic sound recording of the proceedings in this matter,
15 Case 19-cv-04951 on 6/1/21.

16 

17 June 3, 2021